

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARC S. KIRSCHNER,  
as Trustee of the Refco Private Actions Trust,

Plaintiff,

v.

PHILLIP R. BENNETT, SANTO C. MAGGIO,  
ROBERT C. TROSTEN, MAYER, BROWN,  
ROWE & MAW LLP, GRANT THORNTON LLP,  
and ERNST & YOUNG US LLP,

Defendants.

07-CV-8165 (GEL)

**STIPULATION AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the undersigned parties to the above-captioned action ("Action"), as follows:


- 1) The time for defendants to answer, move, or otherwise respond to the complaint in this Action, pursuant to Rule 12, is extended through and until twenty (20) days after a final ruling on remand has been entered in this Action.
- 2) Plaintiff shall serve opposition papers, if any, within ninety (90) days of the filing of defendants' respective motions to dismiss. Plaintiff reserves the right to file its opposition earlier than ninety (90) days.
- 3) Defendants shall serve reply papers, if any, thirty (30) days after Plaintiff has filed its opposition, if any.
- 4) This stipulation may be executed in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same agreement, and

a facsimile, which shall have the same force and effect as an original signature, may be filed in place and instead of the original.

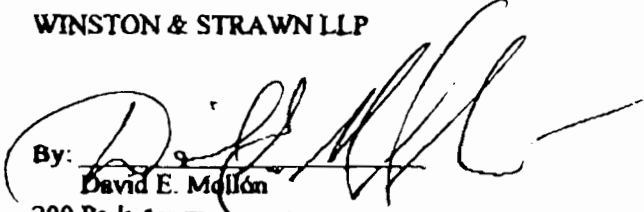
Since the filing of the complaint in this Action, there has been no previous request for an extension of time.

Dated: September 24, 2007  
New York, New York

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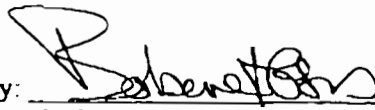
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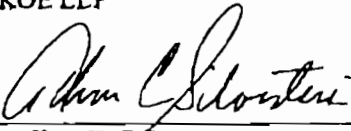
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SO ORDERED.

\_\_\_\_\_  
Hon. Gerard E. Lynch  
United States District Judge

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SO ORDERED

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United States District Judge

9/26/07